

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING



FILED
1:57 pm, 5/10/16
Stephan Harris
Clerk of Court

KELLY JAMES,

Plaintiff,

vs.

ROCKY MOUNTAIN RECOVERY
SYSTEMS, INC., et al.,

Defendants.

Case No: 15-CV-141-F

**ORDER GRANTING PLAINTIFF'S MOTION TO DISMISS WITH PREJUDICE
AND ALTERNATIVELY GRANTING CHARLOTTE B. WILKERSON'S
MOTION TO DISMISS AND MOTION FOR SUMMARY JUDGMENT**

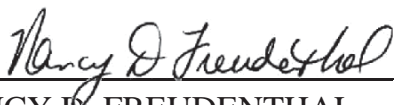
This matter is before the Court on Plaintiff's Motion to Dismiss with Prejudice. In that motion, Plaintiff asserts that she has come to an agreement with all Defendant's in this case, except, Charlotte Wilkerson and requests the Court to dismiss Plaintiff's Complaint against Defendants with prejudice, each party to bear their own attorney's fees and costs. The motion is unclear regarding the status of this case against Defendant Charlotte Wilkerson and whether Plaintiff is seeking to dismiss the entire case, or retain this case against Defendant Wilkerson.

To the extent Plaintiff is seeking to maintain her claims against Defendant Wilkerson, the Court finds that Plaintiff has conceded Defendant Wilkerson's Motion for Summary Judgment and Motion to Dismiss. (Docs. 53-58). On April 15, 2016, all Defendants, including Charlotte B. Wilkerson, filed several motions to dismiss and motions for summary judgment. The Court's scheduling order required Plaintiff to

respond to these motions on or before April 29, 2016. (Doc. 52 at 3). Plaintiff failed to file any response or seek an extension of time to file. Local Rule 7.1(b)(2) allows the Court to consider the failure to respond as a confession of the motion. Therefore, to the extent that Plaintiff is not voluntarily dismissing Defendant Charlotte Wilkerson, the Court finds Plaintiff has conceded Defendant Charlotte Wilkerson's Motion to Dismiss and Motion for Summary Judgment (Docs. 53 and 58) and those motions are GRANTED and the claims against Defendant Charlotte Wilkerson are DISMISSED WITH PREJUDICE.

IT IS ORDERED that this case is DISMISSED WITH PREJUDICE as to all claims against all Defendants.

Dated this 10th day of May, 2016.



NANCY D. FREUDENTHAL
CHIEF UNITED STATES DISTRICT JUDGE